



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

LHE
F. #2018R01259

*271 Cadman Plaza East
Brooklyn, New York 11201*

February 28, 2023

By E-mail

Frank T. Nikolaidis
United States Probation Officer
Eastern District of New York
Brooklyn, New York 11201

Re: United States v. Joseph Harris
Criminal Docket No. 18-616 (LDH)

Dear Probation Officer Harris:

The government has set forth below its responses to the defendant's August 29, 2022 objections to the presentence report, ECF Docket No. 105 (the "Objections").

Offense Conduct Objections

- Paragraph 5: The defendant objects to the allegations that (1) he took all the money Jane Does earned through prostitution; (2) he frequently threatened Jane Does with guns; (3) that any resistance to him was met with violence or the threat of violence; (4) that he 'regularly carried a firearm which he brandished'; and (5) that he provided Jane Does with drugs such as ecstasy, cocaine and pills as part of his scheme to exert control over them and ensure they continue to work as prostitutes.

The parties agree that the PSR should be amended to reflect that the defendant took the majority of the money Jane Does earned through prostitution, that he regularly carried guns in the presence of the Jane Does, that at times resistance to him was met with violence or threats of violence, and that he provided Jane Does with drugs such as ecstasy, cocaine and pills.

- Paragraphs 7-8 & Paragraph 9: The government opposes the defendant's proposed amendments to Paragraphs 7-8 as unnecessary. As to Paragraph 9, the government agrees, per the above, to amend the PSR to reflect that Harris took the majority of the money Jane Doe #1 earned through prostitution. The government also believes that the

PSR should be amended to reflect that the bleach incident involving Jane Doe #1 was the result of a dispute over money relating to Jane Doe #1's work in prostitution.

- Paragraph 12: The government opposes the defendant's proposed amendment to Paragraph 12 as unnecessary.
- Paragraph 13: The government opposes the defendant's proposed amendment to Paragraph 13, except to the extent that the government agrees to amend the paragraph to reflect that Harris supplied Jane Doe #2 with drugs, and deleting that he did so in order to exert control over her.
- Paragraph 15: The government opposes the defendant's proposed amendment to Paragraph 15, except to the extent that it agrees to amending the paragraph to reflect that Harris supplied cocaine and marijuana to Jane Doe #3 without reflecting that he did so to exert control over her.
- Paragraph 16: The government agrees to amend Paragraph 16 to reflect that Harris kept the majority of the money earned by Jane Doe #4 through prostitution.
- Paragraphs 17-18: The government opposes the proposed amendments to Paragraphs 17-18 as unnecessary.
- Paragraphs 23 & 28: The government opposes the proposed amendments to Paragraphs 23 and 28 as unnecessary.
- Paragraphs 25-26: The government opposes the proposed amendments to Paragraphs 25 and 26 which accurately reflect that recorded statements of Mr. Harris. The government opposes the remainder of the defendant's objections but to the extent that it agrees to amend the PSR to reflect that Harris kept the majority of the money earned by his victims.

Guidelines Objections

- Paragraphs 34-40: The government agrees with the defense's objections to Paragraphs 34-40 and submits that the cross-reference does not apply.
- The government does not intend to prove that a serious physical injury was inflicted upon Jane Doe #1.
- The government submits that the obstruction of justice enhancement is appropriate; the parties will argue its application to the Court based upon the letters themselves.
- The government disagrees with the defendant's proposed amendment to paragraph 63; each victim is a separate group per Guideline § 3D1.2.

- As a consequence of the foregoing description of the government's position as to the Guidelines, the government submits that the appropriate Guidelines calculation is now as follows:

Count One

Base Offense Level: 34 (U.S.S.G. § 2G1.1(a)(1))

Plus: Obstruction of Justice (U.S.S.C. 3C1.1): +2

Adjusted Offense Level Count One: 36

Count One-A

Base Offense Level: 34 (U.S.S.G. § 2G1.1(a)(1))

Plus: Obstruction of Justice (U.S.S.G. 3C1.1) +2

Adjusted Offense Level Count One-A: 36

Count One-B

Base Offense Level: 34 (U.S.S.G. § 2G1.3(a)(1))

Plus: Defendant Influenced Minor (U.S.S.G. § 2G1.3(b)(2)) +2

Plus: Use of an Interactive Computer Service (U.S.S.G. § 2G1.3(b)(3)) +2

Plus: Offense Involved Sexual Act (U.S.S.G. § 2G1.3(b)(4)) +2

Plus: Obstruction of Justice (U.S.S.C. 3C1.1): +2

Adjusted Offense Level Count One-B: 42

Count One-C

Base Offense Level: 34 (U.S.S.G. § 2G1.3(a)(1))

Plus: Defendant Influenced Minor (U.S.S.G. § 2G1.3(b)(2)) +2

Plus: Use of an Interactive Computer Service (U.S.S.G. § 2G1.3(b)(3)) +2

Plus: Offense Involved Sexual Act (U.S.S.G. § 2G1.3(b)(4)) +2

Plus: Obstruction of Justice (U.S.S.C. 3C1.1): +2

Adjusted Offense Level Count One-C: 42

Grouping Analysis: 42 + 2 levels: 44

Acceptance of Responsibility -3

Enhancement for Pattern of Sexual Abuse of Minors (U.S.S.G. § 4B1.5(b)(1): +5

TOTAL ADJUSTED OFFENSE LEVEL: 46

Very truly yours,

BREON PEACE
United States Attorney

By: /s/ Lauren Howard Elbert
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cc: Clerk of the Court (LDH) (by ECF)
Defense counsel (by ECF)